**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE JURISDICTION**

**WRIT PETITION NO. 597 OF 2006 .**

Tikaram S. Ahuja ... Petitioner.
V/s.
Ramvriksh J. Yadav ... Respondents.

None for the petitioner.

None for the respondents.

**CORAM : V.C.DAGA, J.**

**DATED : 6.3.2006.**

**P.C. :**
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. None for the petitioner even at third call.

2. This petition is directed against the order dated 28.1.2005, passed by the 2nd Joint Civil Judge, SD, Kalyan, below Ex.45 in Special Civil Suit No. 579/96, refusing to join proposed defendants under O.1 R.10 of the C.P.C. on the basis of the agreement for specific performance of the contract. Petitioner wanted to implead them as party-defendants to the suit on the ground that he is owner of the property.

3. The trial Court has rightly held that the proposed defendants are neither necessary party nor the proper party to the suit. Since the petitioner has filed suit against those proposed defendants, he can seek appropriate interim order against them in his own suit.

4. Having heard parties, no case is made out to interfere with the impugned order. Petition is, therefore, dismissed in limine with no order as to costs.

**(V.C.DAGA,J.)**